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# Request for a subvention to the Extraordinary Chambers in the Courts of Cambodia

## Report of the Secretary-General

*Summary*

In his previous report on the Khmer Rouge trials (A/72/341), the Secretary-General identified important progress made in the judicial work across all sets of proceedings before the Extraordinary Chambers in the Courts of Cambodia. The Secretary-General also highlighted the continuing financial challenges facing both the international and national components of the Extraordinary Chambers and requested the approval of a subvention of up to $10.4 million for the year 2018.

By its resolution 72/262 A, the General Assembly authorized the Secretary-General, as an exceptional measure, to enter into commitments in an amount not to exceed $8 million to supplement the voluntary financial resources of the international component of the Extraordinary Chambers for the period from 1 January to 31 December 2018, and requested the Secretary-General to report on the use of the commitment authority in the context of the next report.

In the present report, the Secretary-General outlines the judicial progress of the Extraordinary Chambers since the previous report, provides a projection regarding the anticipated use of the commitment authority for 2018, presents information on the proposed budget of the Chambers for 2019 and seeks the approval by the General Assembly of an appropriation for a subvention for the international component of the Chambers in the amount of $9.7 million for 2019.

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# I. Introduction

1. Since their establishment, and as detailed in the previous reports of the Secretary-General on the Khmer Rouge trials (A/58/617, A/59/432, A/59/432/Add.1, A/60/565, A/62/304, A/67/380, A/68/532, A/69/536, A/70/403, A/71/338 and A/72/341), the Extraordinary Chambers in the Courts of Cambodia have achieved substantial progress towards fulfilling their mandate. Since the issuance of the previous report of the Secretary-General, all organs of the Extraordinary Chambers have continued to be fully engaged, as trial and judicial investigations are proceeding.

2. Case 001, against Kaing Guek Eav, alias "Duch", was the first case tried before the Extraordinary Chambers. His conviction became final, as varied, by the appeal decision of the Supreme Court Chamber of 3 February 2012. He was sentenced to life imprisonment.

3. Case 002 has been severed into two trials. The first trial, case 002/01, concentrated on alleged crimes against humanity relating to the forced movement of the population from Phnom Penh and later from other regions and the alleged execution of former Khmer Republic soldiers at Tuol Po Chrey. The Trial Chamber pronounced its judgment on 7 August 2014, convicting two surviving senior leaders of the Khmer Rouge regime, Nuon Chea and Khieu Samphan, of crimes against humanity and sentencing them to life imprisonment. Both accused appealed the convictions. On 23 November 2016, the Supreme Court Chamber delivered the judgment on appeals, confirming the charges of crimes against humanity of murder, persecution on political grounds and other inhumane acts, and upholding the sentence of life imprisonment imposed on both accused. A second trial, case 002/02, contains additional charges against Nuon Chea and Khieu Samphan related to genocide of the Muslim Cham and Vietnamese minorities, forced marriage and rape, and treatment of Buddhists, as well as alleged crimes against humanity and war crimes committed at four security centres and three worksites and in a group of work cooperatives located in one administrative district. The trial commenced with opening statements on 17 October 2014. Evidentiary hearings commenced on 8 January 2015 and concluded on 11 January 2017. The Trial Chamber heard closing statements in June 2017, and the trial judgment is anticipated by the fourth quarter of 2018. On 27 February 2017, the Trial Chamber decided to terminate the proceedings with regard to all facts in the closing order of case 002 that were not included in case 002/01 or case 002/02. Case 002/02 will therefore be the last trial in relation to case 002.

4. In cases 003 and 004, significant progress has been made in the judicial investigations. The cases involve allegations against four charged persons. In case 003, Meas Muth was charged in March 2015 and additional charges were laid against him in December 2015. In case 004, Im Chaem and Ao An were formally charged in March 2015. Additional charges against Ao An, including genocide, were announced in March 2016. Yim Tith, the last suspect in case 004, was charged in December 2015. In case 003, the conclusion of the judicial investigation against Meas Muth was notified to the parties by the international co-investigating judge on 10 January 2017. The co-prosecutors filed their final submissions in November 2017. The closing order[1] in this case is expected to be issued by the fourth quarter of 2018. Case 004 has been severed into three cases, one for each charged person, to guarantee the right of the charged persons to be informed of the decision on the charges brought against them without undue delay. In December 2015, the co-investigating judges notified the parties that they had concluded the judicial investigation against Im Chaem.

[1] The closing order will confirm whether there is an indictment or a dismissal of the case. Given the current state of proceedings, it is premature at this point to forecast specific time points in respect of eventual trial milestones.

Subsequently, the charges against her were severed into a new case file, 004/01. On 22 February 2017, the co-investigating judges issued a joint dispositive closing order dismissing the case against Im Chaem because she was not subject to the personal jurisdiction of the Extraordinary Chambers. The closing order with full reasons for dismissal was issued on 10 July 2017. The international co-prosecutor filed appeals against the dismissal. On 29 June 2018, the Pre-Trial Chamber disposed of the appeal on personal jurisdiction, concluding the judicial proceedings in the case. The decision of the co-investigating judges that the Extraordinary Chambers have no jurisdiction over Im Chaem therefore stands. On 16 December 2016, the co-investigating judges notified the conclusion of the judicial investigation against Ao An in case 004 and ordered the severance of the charges against him into a new case file, 004/02. The co-prosecutors filed their final submissions in August 2017. The closing order in this case is expected to be issued by the third quarter of 2018. Case 004 remains the case against Yim Tith. The co-investigating judges notified the parties that they had concluded the judicial investigations against him on 13 June 2017. The co-prosecutors filed their final submissions on 4 June 2018. The closing order in this case is expected to be issued by the second quarter of 2019. In cases 003, 004/02 and 004, at the time of the notification of the conclusion of the investigation, the international co-investigating judge utilized internal rule 66 bis, which was adopted by the Court in January 2015, to reduce the scope of the judicial investigations in these cases. Accordingly, decisions by the co-investigating judges on whether cases 004/02 and 003 will be sent for trial are currently expected to be issued by the third quarter and fourth quarter of 2018, respectively. A decision on whether case 004 will be sent for trial is currently expected to be issued by the second quarter of 2019.

5. Pursuant to the request of the General Assembly in its resolution 68/247 B for a completion strategy, the Extraordinary Chambers prepared a completion plan,[2] highlighting a number of remaining procedural milestones and projecting the timelines required for the judicial completion of the current caseload. The plan is updated on a quarterly basis. Given that no decision has yet been made as to whether any charged person in case 003, case 004/02 and/or case 004 will be indicted and sent for trial, it is difficult to project an overall timeline for the Court's judicial work. Nevertheless, in accordance with the completion plan, it is projected that any appeal proceedings in case 002/02 would run into the third quarter of 2020. The timelines for any additional trial(s) in cases 003, 004/02 and 004 can be projected only when the closing orders indicting or acquitting the charged persons in those cases are issued, on the basis of the number of cases going forward for trial, the number of accused and the scope and complexity of the charges against the accused.

6. The Extraordinary Chambers continue to face considerable financial challenges. It has proved difficult to attract the requisite voluntary funding to fully cover the costs of the international component in 2018. The authorization by the General Assembly of a subvention to supplement the voluntary financial resources of the international component has been essential for the work of the Court, in particular in enabling the continued operation of the Chambers during the first half of 2018. The anticipated level of voluntary contributions to the international component will require the full use of the commitment authority of $8 million by the end of 2018. Regarding the national component, the financial contributions from the Government of Cambodia, coupled with pledges from the international community, have stabilized the funding situation of that component. However, a shortfall in the amount of $251,000 remains for 2018. Given the structure of the Court, if the operation of either the national or the international component is jeopardized, the overall work of the Court is severely impeded.

[2] Revision 17, 30 June 2018. Available at www.eccc.gov.kh/en/about-eccc/finances.

# II. Progress made in the case files

## A. Case 001: Kaing Guek Eav, alias "Duch"

7. Kaing Guek Eav continues to serve the remainder of his life sentence at Kandal provincial prison, Cambodia.

## B. Case 002: Nuon Chea, Ieng Sary, Khieu Samphan, Ieng Thirith

8. On 15 September 2010, the co-investigating judges of the Extraordinary Chambers issued a closing order indicting the former Chair of the Democratic Kampuchea People's National Assembly and Deputy Secretary of the Communist Party of Kampuchea, Nuon Chea, the former Deputy Prime Minister for Foreign Affairs of Democratic Kampuchea, Ieng Sary, the former Head of State of Democratic Kampuchea, Khieu Samphan, and the former Minister of Social Affairs of Democratic Kampuchea, Ieng Thirith, for crimes against humanity, grave breaches of the Geneva Conventions relating to the protection of victims of international armed conflicts and genocide against the Cham and Vietnamese ethnic groups. Ieng Thirith had been found unfit to stand trial on medical grounds and remained under judicial supervision until her death in August 2015 and the subsequent termination of the proceedings. The proceedings against Ieng Sary were also terminated upon his death in March 2013.

9. The charges in case 002 have been severed into two separate cases, styled as cases 002/01 and 002/02, each with a separate trial and judgment. Case 002/01 focused on alleged crimes against humanity relating to the forced movement of the population from Phnom Penh (phase one) and later from the regions (phase two) and the alleged execution of former Khmer Republic soldiers at Tuol Po Chrey. It also considered the structure of Democratic Kampuchea, the history of the Communist Party of Kampuchea, the organizational structure of Democratic Kampuchea and the roles of the accused in relation to the policies of the Democratic Kampuchea regime relevant to all charges. Case 002/02 encompasses charges relating to genocide of the Muslim Cham and Vietnamese minorities, forced marriage and rape, internal purges, treatment of Buddhists and targeting of former Khmer Republic officials, in addition to alleged crimes against humanity and war crimes committed at four security centres (including S-21), three worksites and a number of adjacent work cooperatives. By order of the Supreme Court Chamber of 29 July 2014, further charges not encompassed in the two cases were provisionally stayed pending appropriate disposal by the Trial Chamber. On 27 February 2017, the Trial Chamber issued a decision terminating the proceedings with regard to all facts set out in the case 002 closing order that were not included in either case 002/01 or case 002/02. Consequently, case 002 will be completed upon the final adjudication of case 002/02.

10. On 7 August 2014, the Trial Chamber delivered its judgment in the historic proceedings in case 002/01. It found that Nuon Chea and Khieu Samphan had, through their participation in a joint criminal enterprise, committed the crimes against humanity of murder, political persecution and other inhumane acts (comprising forced transfers and attacks against human dignity) during the first phase of the movement of the population; political persecution and other inhumane acts (comprising forced transfers and attacks against human dignity) during the second phase of the movement of the population; and murder and extermination through executions of Khmer Republic officials at Tuol Po Chrey. They were also found to have planned, instigated, aided and abetted the aforementioned crimes during the movement of the population (phases one and two) and at Tuol Po Chrey. In addition, Nuon Chea was found to have ordered the crimes and to have been responsible as a superior for all crimes committed

in the course of the movement of the population and at Tuol Po Chrey. The Trial Chamber sentenced both Nuon Chea and Khieu Samphan to life imprisonment.

11. In late 2014, appeals were filed against the trial judgment by the co-prosecutors, as well as by both Nuon Chea and Khieu Samphan, who advanced a total of 223 and 148 grounds of appeal, respectively. On 23 November 2016, the Supreme Court Chamber rendered its judgment on appeals. The Supreme Court Chamber upheld convictions for the crimes against humanity of murder, persecution on political grounds and other inhumane acts in relation to the evacuation of Phnom Penh immediately after the fall of the city on 17 April 1975 and reversed the conviction for the crime against humanity of extermination in connection with that event. Regarding the second phase of the population transfers that occurred between 1975 and 1977, the Chamber affirmed the convictions of both accused for the crime against humanity of other inhumane acts, entered a conviction for the crime against humanity of murder and reversed the convictions for the crimes against humanity of extermination and persecution on political grounds. While the Supreme Court Chamber confirmed that at least 250 soldiers and officials of the Khmer Republic had been executed at Tuol Po Chrey in April 1975 and crimes against humanity were likely to have occurred, the evidence was considered to be inadequate to substantiate a finding that there had been a policy to kill all Khmer Republic soldiers. As a result, the Chamber reversed the convictions for the crimes against humanity of extermination, murder and persecution on political grounds at Tuol Po Chrey. The Supreme Court Chamber considered that the imposition of a life sentence upon both Nuon Chea and Khieu Samphan was appropriate and therefore confirmed the sentence imposed by the Trial Chamber. The Supreme Court Chamber also found inadmissible the appeal by the co-prosecutors seeking declaratory relief on the applicability of the most extended form of joint criminal enterprise before the Extraordinary Chambers.

12. The trial in case 002/02 opened on 17 October 2014, with presentation of evidentiary hearings commencing on 8 January 2015. On 11 January 2017, the Trial Chamber concluded the evidentiary hearings, after hearing evidence on the topics of the Tram Kok cooperatives (including the Kraing Ta Chan Security Centre and the treatment of Buddhists), the 1 January Dam worksite, the Kampong Chhnang Airport construction site, the Trapeang Thma Dam worksite, the treatment of the Cham and the Vietnamese, the Au Kanseng, Phnom Kraol and S-21 security centres and internal purges, the regulation of marriage, the nature of the armed conflict and the roles of the accused. The Chamber sat for 274 hearing days, during which it heard the testimony of 114 witnesses, 63 civil parties and 8 experts. The Chamber heard the parties' closing statements between 13 and 23 June 2017. The Trial Chamber has commenced its deliberations, and the trial judgment is expected in the fourth quarter of 2018.

## C. Cases 003 and 004

13. On 7 September 2009, the international co-prosecutor filed two introductory submissions (subsequently supplemented by further submissions) with the co-investigating judges alleging the commission of further crimes falling under the jurisdiction of the Extraordinary Chambers by five additional suspects. The crimes under investigation are genocide, crimes against humanity, grave breaches of the Geneva Conventions relating to the protection of victims of international armed conflicts and violations of the 1956 Penal Code of Cambodia. Of the five suspects, four have been charged. One suspect in case 003 died in 2014. In total, 269 field missions and 1,411 witness interviews have been completed with respect to these two cases. No additional field missions are envisaged.

14. Pursuant to submissions filed by the international co-prosecutor, the co-investigating judges were seized of 10 crime scenarios in case 003 and 55 crime scenarios in case 004. Under the internal rules, the co-investigating judges are legally obligated to investigate all crime scenarios of which they have been seized, although they have the authority, at the time of notification of the conclusion of a judicial investigation, to reduce the scope of a case, as long as its remaining facts are representative of the scope of the introductory submission and any supplementary submissions.

15. On 3 March 2015, the then international co-investigating judge charged Meas Muth and Im Chaem in absentia in cases 003 and 004, respectively. Meas Muth was charged with alleged crimes against humanity, war crimes and violations of the 1956 Penal Code of Cambodia, while Im Chaem was charged with alleged crimes against humanity and violations of the 1956 Penal Code of Cambodia. Charging was undertaken in absentia, as the charged persons had ignored formal summonses and ensuing arrest warrants had not been executed. On 27 March 2015, the then international co-investigating judge charged Ao An in person in case 004 with alleged crimes against humanity and violations of the 1956 Penal Code of Cambodia. Following the charging, the charged persons have full access to the case file and can participate in the judicial investigations through their co-lawyers. On 2 June 2015, the co-investigating judges issued a decision dismissing the criminal allegations against Sou Met, until then a suspect in case 003, on account of his death in 2014. On 9 December 2015, the last remaining suspect in case 004, Yim Tith, appeared before the international co-investigating judge. He was charged with genocide, crimes against humanity, war crimes and violations of the 1956 Penal Code of Cambodia. On 14 December 2015, Meas Muth appeared voluntarily before the international co-investigating judge, where he was notified of additional charges, including genocide. A number of charges from the previous decision to charge him in absentia were rescinded, as was the outstanding arrest warrant.

16. On 18 December 2015, the national and international co-investigating judges notified the parties that they considered the judicial investigations against Im Chaem concluded. Noting that Im Chaem has the right to determination of the charges brought against her without undue delay, on 5 February 2016, the co-investigating judges ordered the severance of the proceedings against Im Chaem from case 004 and into a new case file, 004/01. On 14 March 2016, the international co-investigating judge expanded the charges against Ao An to include additional crimes against humanity and genocide. On 16 December 2016, the co-investigating judges notified all parties in cases 004 and 004/01 that they considered the judicial investigation against Ao An to be concluded and ordered the severance of the proceedings from case 004 and the creation of a new case file, 004/02, because the charged person had the right to be informed of the decision on the charges brought against him without undue delay. The international co-investigating judge also issued a separate decision reducing the scope of the investigation pursuant to internal rule 66 bis, constituting the first application of this rule since its adoption in January 2015.

17. On 10 January 2017, the international co-investigating judge notified all parties in case 003 that he considered the judicial investigation against Meas Muth in case 003 to be concluded and issued a separate decision reducing the scope of the judicial investigation pursuant to internal rule 66 bis. The national co-investigating judge reiterated that he had issued a notice of conclusion of the investigation in case 003 on 29 April 2011, followed by a forwarding order on 7 February 2013. On 25 July 2017, the international co-investigating judge forwarded the case file to the co-prosecutors for their final submissions. The co-prosecutors filed their final submissions in November 2017. On 22 February 2017, the co-investigating judges issued a joint dispositive closing order in the proceedings against Im Chaem in case 004/01. They

dismissed the case because, according to their evaluation of the evidence collected during the investigation, Im Chaem is not subject to the personal jurisdiction of the Extraordinary Chambers, as she was neither a senior leader nor otherwise one of the most responsible officials of the Khmer Rouge regime. On 10 July 2017, the co-investigating judges issued the closing order with full reasons for dismissing case 004/01 against Im Chaem. On 9 August 2017, the international co-prosecutor filed his appeals against the closing order with the Pre-Trial Chamber. On 29 June 2018, the Pre-Trial Chamber disposed of the appeal on personal jurisdiction, concluding the judicial proceedings in the case. The decision of the co-investigating judges that the Extraordinary Chambers have no jurisdiction over Im Chaem therefore stands. On 19 May 2017, the co-investigating judges issued a forwarding order requesting the co-prosecutors to file their final submission in case 004/02 against Ao An. On 18 and 21 August 2017, the international and national co-prosecutors filed their respective final submissions. On 13 June 2017, the co-investigating judges notified all parties in cases 004, 004/01 and 004/02 that they considered the judicial investigation against Yim Tith in case 004 to be concluded. The international co-investigating judge issued a separate decision reducing the scope of the judicial investigation pursuant to internal rule 66 bis. The national co-prosecutor filed her final submission on 31 May 2018, while the international co-prosecutor filed his final submission on 4 June 2018.

18. On 8 May 2017, the co-investigating judges released a statement informing the public that they had issued a confidential request for submissions to the parties in cases 003, 004 and 004/02 and to the Office of Administration of the Extraordinary Chambers, in which they had expressed their deep concerns about the funding situation of the Chambers and what it might mean for the future of the cases. The co-investigating judges later informed the public that they had received the submissions and were considering the arguments of the parties and of the Office of Administration regarding the request for submissions on a stay of proceedings and that a decision by the co-investigating judges was no longer expected before 30 June 2017. On 11 August 2017, the co-investigating judges issued their decision. The judges deferred the decision on a stay for the time being, but indicated that they would remain actively seized of the matter until the last closing order had been issued and would take the measures necessary to address the situation should a future lack of funds or financial uncertainty threaten judicial independence, fairness and the integrity of the proceedings. In addition, the judges invited the Office of Administration to report, at least on a quarterly basis, on the status of funding vis-à-vis the approved budget.[3]

19. The projection in cases 004/02 and 003 is that the closing orders containing either a dismissal or an indictment will be issued by the third quarter and fourth quarter of 2018, respectively. The projection in case 004 is that the closing order containing either a dismissal or an indictment will be issued by the second quarter of 2019. Decisions on any potential appeals against the closing orders in cases 004/02, 003 and 004 by the Pre-Trial Chamber are projected to be issued by the second quarter of 2019, the third quarter of 2019 and the first quarter of 2020, respectively.

## III. Completion plan and road map: projected timelines

20. Pursuant to the request of the General Assembly for a completion strategy with a clear road map, the Extraordinary Chambers prepared a completion plan that details the remaining work to be completed in the proceedings of which they are currently seized. It is clarified that the current proceedings represent the entire caseload of the

[3] A public version of the decision is available at https://www.eccc.gov.kh/en/document/court/combined-decision-impact-budgetary-situation-cases-003-004-and-0042-and-related.

Chambers, as confirmed by the international co-prosecutor. Assessing each case individually, the plan sets out a road map in which the remaining procedural milestones are highlighted and the timelines required for the judicial completion of the current caseload are projected. The plan was first prepared in March 2014 and subsequently revised on a quarterly basis to reflect the most accurate perspective as the proceedings evolved. It also sets out a series of measures that may assist expeditious completion.

21. On the basis of current projections, the earliest anticipated completion of judicial proceedings in case 002 will be in the fourth quarter of 2018, with the delivery of a trial judgment in case 002/02, absent any appeal. The timing of the final conclusion of judicial proceedings in case 002/02 will depend on the filing of any appeal. The current projections estimate that notices of appeals and appeals against the trial judgment, if any, will be filed in the first quarter of 2019, with the judgment on these potential appeals delivered in the third quarter of 2020, bringing case 002 to a close.

22. In case 004/01, against Im Chaem, a milestone was reached in 2018 with the decision of the Pre-Trial Chamber confirming the dismissal of the case and thereby concluding the judicial proceedings. The following additional milestones are projected to be reached in 2018 in respect of cases 003 and 004/02: the issuance of closing orders in the cases against Meas Muth and Ao An, with a decision of the co-investigating judges to send the case to trial, in whole or in part, or to dismiss the proceedings. In 2019, it is expected that three milestones will be reached: the disposal by the Pre-Trial Chamber of any appeals against the closing orders in the cases relating to Meas Muth and Ao An and the issuance of a closing order in case 004, against Yim Tith, by the co-investigating judges. In 2020, one milestone will be reached with a decision of the Pre-Trial Chamber on any appeals against the closing order in the case against Yim Tith to either confirm or amend the closing order or to dismiss the case. Should any or all of those cases be sent for trial, in whole or in part, projections for trial timelines would then need to be assessed, taking into account the number of cases going forward for trial, the number of accused and the scope and complexity of the charges against the accused.

23. The Secretary-General reaffirms the importance of conducting all judicial proceedings before the Extraordinary Chambers in a manner that conforms to the terms of the Agreement between the United Nations and the Royal Government of Cambodia concerning the Extraordinary Chambers. In this regard, as has been the case with other international and hybrid criminal tribunals, the Secretary-General notes the need to develop, in a timely manner, a framework for the completion of the work of the Chambers and for the performance of any necessary residual functions. Accordingly, the Secretary-General intends to undertake consultations in this regard.

## IV. Current financial position and fundraising efforts

24. Previous reports of the Secretary-General have highlighted to Member States the financial challenges faced by the Extraordinary Chambers, which have persisted in 2016, 2017 and 2018. In previous years, the impacts of these challenges have included recruitment freezes and the uncertainty of staff working on month-to-month contracts, with the potential for distraction from the discharge of core functions. National component staff had gone without contracts and salaries for prolonged periods, resulting in, inter alia, a walkout by 100 staff in September 2013. Given the structure of the Chambers, wherein national component and international component staff work side by side, the overall work of the Court was severely impeded by this action.

25. Pursuant to the Agreement between the United Nations and the Royal Government of Cambodia, the United Nations is responsible for defraying the costs of supporting the international component of the Extraordinary Chambers, while the Government of Cambodia is responsible for defraying the costs of the national component, including salaries of national personnel, utilities and service expenses of the Chambers. In its resolution 72/262 A, the General Assembly encouraged all Member States to provide voluntary support for both the international and national components of the Chambers, and requested the Secretary-General to continue his intensive efforts to obtain additional voluntary contributions, including by broadening the donor base, for funding the future activities of the Chambers.

26. **International component.** Historically, funding for the international component of the Extraordinary Chambers has been raised from a limited number of Governments each year, many of which participate in the principal donors group. In 2008, the Secretary-General designated a Special Expert on the United Nations Assistance to the Khmer Rouge Trials to assist in fundraising for the Chambers. Past fundraising activities, including two pledging conferences (in 2010 and 2013), a written appeal from the Secretary-General to all Member States, bilateral requests by senior United Nations officials to donor countries, a written appeal from the then Chair of the principal donors group to permanent missions of Member States in New York in 2015, and the development of a fundraising strategy adopted in 2016 focused on reaching out to potential new donor Governments have been unsuccessful in generating significant new sources of funding.

27. **National component.** In the first years of its operation, the national component was funded largely by voluntary contributions covering 80 per cent of the budget, with the remainder paid by the Government of Cambodia, which also provides in-kind contributions of buildings, facilities and local services. The contribution of the Government has significantly increased over the years and, since 2015, has covered over 60 per cent of the national component's requirements. In response to the serious financial constraints on the national component, intensive efforts were undertaken by the Extraordinary Chambers, together with senior officials of the Government of Cambodia and the Special Expert, as well as Cambodian ambassadors in foreign capitals, to jointly seek support from key Governments for the national component. These efforts resulted in the raising of sufficient funds for the national component in 2016 and 2017 and the majority of the funds required for 2018.

28. **Fundraising efforts in 2018.** The principal donors group, working closely with the Special Expert and Secretariat officials, continued to pursue the financial strategy developed in 2016 to broaden the donor base and to maintain the support of traditional donors. The Secretariat has continued to carry out fundraising efforts through follow-up communications with diplomatic missions on a regular basis. Czechia was invited to join the membership of the group of interested States following its first ever contribution to the Extraordinary Chambers in 2017. Czechia formally accepted the invitation and joined the group of interested States in November 2017. The principal donors group sent a number of letters to prospective new members of the group, inviting them to join. The Republic of Korea formally joined the principal donors group in April 2018 and has been an active participant since then. The Special Expert undertook a number of fundraising activities in the first six months of 2018, including:

(a) Trips to the capitals of traditional donors to brief foreign ministries and European Union officials about the Extraordinary Chambers and seek additional funding;

(b) Visits to a significant number of permanent missions to the United Nations in New York in April 2018 to give briefings about the progress of the Extraordinary Chambers and seek additional funding;

(c) A trip to Phnom Penh with the principal donors group delegation in June 2018. During that week, the Special Expert met with the ambassadors of several countries for fundraising purposes. The Special Expert also took the opportunity to brief the Friends of the Extraordinary Chambers in the Courts of Cambodia diplomatic group about the status of fundraising efforts and appealed for further contributions, including for the national component of the budget. The Special Expert also met with the Deputy Prime Minister of Cambodia, the Chair of the government task force on the proceedings of the Extraordinary Chambers, and other Cambodian officials to obtain the Government's commitment to fund a significant portion of the national component again in 2019.

29. Should the remaining expected contributions be formalized before the end of the year, it is expected that the contributions and the subvention from the regular budget would be sufficient to secure the operations of the international component of the Extraordinary Chambers until the end of the year. The Special Expert continued his efforts to seek further funding for the international component to minimize the drawdown of the regular budget commitment authority approved for 2018. Owing to the voluntary contributions from several donors to the national component of the Chambers, it is almost fully funded for 2018, with $251,000 remaining to be raised to meet the budgetary requirements for the year. At the time of reporting, the Special Expert was addressing that requirement ($251,000) with several Governments. To broaden and maintain the existing donor base, the Secretary-General also intends to send a letter to the permanent missions of States Members of the United Nations seeking their financial support for the Chambers.

30. Despite the combined efforts of the principal donors group, the Secretariat and the Special Expert, voluntary contributions for the international component continued to decline, falling from $17.6 million in 2015 to $13.1 million in 2016 and to $9.5 million in 2017. In view of indications from the current donors, the levels of voluntary contributions for 2018 and 2019 are estimated at $9.7 million (including anticipated pledges of $2.3 million) and $6.3 million, respectively. The estimated income for 2019 consists of $1.7 million in confirmed pledges and $4.6 million in anticipated contributions from members of the principal donors group.

**Current financial position and use of the commitment authority**

31. The General Assembly approved a commitment authority of $15.5 million for the international component of the Extraordinary Chambers for 2014; these funds, however, were never drawn upon, as voluntary funding eventually covered in full the international component's obligations during 2014. The Assembly again approved commitment authorities for the international component amounting to $12.1 million for 2015, $12.1 million for 2016, $11.0 million for 2017 and $8.0 million for 2018, thus ensuring that the salaries and expenses of personnel could be paid on time and avoiding any disruption in the work of the Chambers.

32. By the end of 2017, $10.6 million in expenditures had been incurred against the amount of $11 million actually appropriated. The unused amount of $0.4 million of the regular budget funds provided to the Extraordinary Chambers in 2017 will be returned to the United Nations.

33. The commitment authority has functioned as a bridging financing mechanism, permitting the United Nations to extend the contracts for international officials and staff at the Extraordinary Chambers, and as a source of funds should voluntary funding fall short. Taking into account the availability of voluntary contributions and

the commitment authority, the United Nations extended staff contracts in four steps in 2017 and has done so in three steps so far in 2018, by one-month, five-month and four-month periods.

34. The group of interested States approved a budget for 2018 amounting to $18.9 million for the international component and $5.7 million for the national component. As at 30 June 2018, voluntary contributions of $4.4 million had been received for the international component for 2018, which, together with the drawdown of an amount of $5.8 million from the commitment authority, covered the expenditures for the first six months of 2018. To meet the operational cash flow requirements of the international component in the latter six months of 2018, taking into account a reduced proposed revised budget of $17.7 million for 2018, a further drawdown on the commitment authority and additional voluntary contributions of $5.3 million are expected. For the national component, as at 30 June 2018, voluntary contributions and pledges of $5.5 million had been received for 2018. The shortfall of $251,000 had not been secured at the time of reporting.

35. Taking into account that the confirmed and anticipated pledges and contributions were not sufficient to meet the budgetary requirements, cost-saving measures have been put in place to achieve cost avoidance for the international component in 2018, through the freezing of recruitment against vacant posts unless hiring is absolutely necessary, cost avoidance and the curtailment of measures in such areas as travel, operating expenses and contractual services. It should be noted that, although the above-mentioned measures will yield some savings, thus ensuring that the available funding is adequate to conduct essential judicial operations, the intermittent cash flow and the short-term extensions of staff contracts have had an impact on staff morale and contributed to staff turnover.

## V. Funding requirements of the Extraordinary Chambers for 2019

36. The international component and the national component are funded separately, with the Secretariat being responsible for the receipt and management of voluntary funds for the international component and the Government of Cambodia being responsible for funding the national component, including through contributions from the international community for this purpose. The group of interested States has approved a budget of $16,022,200 for the international component and $5,374,300 for the national component for 2019. The budget was based on projections in June 2017 of judicial activities as reflected in revision 13 of the completion plan. In the most recent revision of the completion plan, revision 17, the projections for the judicial milestones were revised in June 2018 on the basis of the extension for delivery of the Trial Chamber's judgment in case 002/02, the extension for issuance of closing orders in cases 003 and 004 and the consequent extensions in decisions on any appeals on the closing orders.[4] The extension of timelines for the judicial activities has had an impact on the resource requirements for judicial activities in 2018 and 2019. Some resources that were previously planned for 2018 will now be required in 2019. At the time of reporting, the Extraordinary Chambers had reviewed the impact of the most recent completion plan and revised its anticipated budgetary requirements for 2018, as well as prepared a revised budget proposal for 2019 that reflects the revised workplan for 2018 and 2019 and incorporates extended timelines for judicial activities. The revised budget proposal for 2018–2019 is aligned with the

[4] See sect. III above for projected timelines according to revision 17 of the completion plan as at 30 June 2018.

anticipated expenditures for 2018 and resource requirements for 2019 in line with the judicial workplan, as reflected in revision 17 of the completion plan.

37. It should be noted that the revised budget proposal, which is subject to review by the principal donors group and the steering committee and approval by the group of interested States, takes into account the relevant recommendations of the Advisory Committee on Administrative and Budgetary Questions contained in its relevant report (A/72/7/Add.7) and endorsed by the General Assembly in resolution 72/262 A. Details of the recommendations and actions taken by the Extraordinary Chambers are provided in annex I.

38. The revised budget proposal for the biennium 2018–2019, as indicated in tables 1 and 2, reflects the resources for the international component, including staff resources, for the operation of the Extraordinary Chambers throughout the biennium. Further details regarding the financial status of the Chambers are provided in annex II.

Table 1
**Financial resources for the international component of the Extraordinary Chambers**

(Thousands of United States dollars)

| | *Actual expenditure* | | *Revised budget* | *Resource growth* | | *Revised budget* | *Total revised budget*[a] |
|---|---|---|---|---|---|---|---|
| *Component* | *2016* | *2017* | *2018* | *Amount* | *Percentage* | *2019* | *2018–2019* |
| A. Judicial offices | 8 267.5 | 6 815.6 | 6 371.7 | (911.1) | (14.3) | 5 460.6 | 11 832.3 |
| B. Defence and Victims Support Sections | 4 620.6 | 3 872.1 | 3 318.1 | 9.8 | 0.3 | 3 327.9 | 6 646.0 |
| C. Office of Administration | 10 660.8 | 9 405.4 | 8 023.9 | (1 713.9) | (21.4) | 6 310.0 | 14 333.9 |
| D. Provision for cases 003 and 004 | – | – | – | 915.6 | – | 915.6 | 915.6 |
| **Total** | **23 548.9** | **20 093.1** | **17 713.7** | **(1 699.6)** | **(9.6)** | **16 014.1** | **33 727.8** |

[a] 2018–2019 revised budget figures are subject to review and approval by the group of interested States.

Table 2
**Post resources for the international component of the Extraordinary Chambers**

| | *Approved* | | *Revised*[a] | |
|---|---|---|---|---|
| *Category* | *2016* | *2017* | *2018* | *2019* |
| **Professional and higher categories** | | | | |
| D-2 | 12 | 12 | 12 | 11 |
| D-1 | 1 | 1 | 1 | 1 |
| P-5 | 7 | 7 | 5 | 4 |
| P-4 | 18 | 15 | 12 | 11 |
| P-3 | 38 | 37 | 30 | 18 |
| P-2 | 6 | 9 | 4 | 6 |
| **Subtotal** | **82** | **81** | **64** | **51** |

| Category | Approved | | Revised[a] | |
|---|---|---|---|---|
| | 2016 | 2017 | 2018 | 2019 |
| **Other levels** | | | | |
| Field Service | 23 | 20 | 12 | 11 |
| National Professional Officer | 10 | 11 | 12 | 11 |
| Local level[b] | 45 | 46 | 43 | 42 |
| **Subtotal** | **78** | **77** | **67** | **64** |
| **Total** | **160** | **158** | **131** | **115** |

[a] 2018–2019 revised budget figures are subject to review and approval by the group of interested States.

[b] Referred to as "General Service" in previous reports. The change in category is a result of alignment with the category-naming convention used by the Economic and Social Commission for Asia and the Pacific.

39. In 2019, resource requirements in the amount of $16,014,100 would provide for 115 positions (11 D-2, 1 D-1, 4 P-5, 11 P-4, 18 P-3, 6 P-2, 11 Field Service, 11 National Professional Officer and 42 Local level), representing a reduction of 16 posts compared with the 2018 requirements, and for such non-post items as non-staff compensation, other staff costs, consultants and experts, travel of staff, travel of witnesses, contractual services, general operating expenses, supplies and furniture and equipment.

40. For 2019, the total funding requirements for both the national and international components are estimated at $21,388,300 ($16,014,100 for the international component and $5,374,200 for the national component). On the international side, at the time of reporting, the Secretariat had received pledges in the amount of $1.7 million, with anticipated pledges amounting to $4.6 million for 2019 on the basis of indications from the traditional donors. Given the pattern of contributions in the period 2017–2018, it is expected that resources will be pledged in piecemeal and varied amounts, with insufficient fund balances available at any given time to ensure the reasonable duration of staff contracts. The operational reserve of $4.2 million that had accumulated since the inception of the Extraordinary Chambers was fully depleted in 2012 to meet staff payroll costs and remains at zero. With continuing shortfalls in voluntary contributions, the Secretariat has been unable to reinstate any reserve, and thus has no funding mechanism to address unforeseen operational contingencies.

41. To address the above-mentioned situation, the Secretary-General is proposing a subvention of $9.7 million for the international component for 2019. The level of the requested subvention takes into account the proposed revised budget for 2019, the estimated voluntary contributions of $6.3 million in 2019 and the fact that voluntary funds raised from Governments have continued to fall short of overall budgetary needs. The level of the requested subvention reflects the financial resources necessary to secure the operation of the Extraordinary Chambers during 2019, with the assumption that the revised budget for 2019 would be approved by the group of interested States. Should the proposed budget be approved at a different level, updated information on any adjustments to the budget or the consequent adjustment to the proposed level of subvention will be provided to the General Assembly. The proposed subvention will allow for the continued operation of the Chambers, pending the receipt of additional voluntary contributions necessary for their operation throughout the year. The Secretary-General proposes that the subvention be available to be drawn upon should the extrabudgetary funds on hand be insufficient to meet the international

component's salary and operational costs. Cognizant of the difficulties of securing funds through voluntary contributions, and the need to ensure the expeditious completion of the remaining cases, the Secretary-General will continue his intensive fundraising efforts. Given the financial situation of the Chambers, the Secretary-General proposes a subvention to be appropriated so as not to affect negatively the cash flow of the Organization and to enable the issuance of staff contracts of a reasonable duration. Intensive fundraising efforts will be continued given the voluntary nature of the funding arrangement.

42. Despite the improvement in the situation of the national component in recent years, the timing of contributions remains an important factor and the overall funding remains uncertain in 2019 and beyond. While the Government of Cambodia is responsible under the Agreement with the United Nations to raise funding for the entire national component, the provision by the Government of $4.1 million in 2015, $4.2 million in 2016, $4.2 million in 2017 and $4 million in 2018 represents a significant increase compared with previous years. The Government has reiterated its strong commitment to the ongoing process of the Extraordinary Chambers and to addressing its funding challenges. The United Nations will also continue to support the Government in seeking to obtain additional voluntary contributions from the international community for the national component. As in previous years, any funding shortfall on either side is likely to seriously affect the activities of the Chambers as a whole.

## VI. End-of-service liabilities for judges, prosecutor and staff

43. The financial situation of the Extraordinary Chambers remains precarious. At the time of reporting, the staff contracts had been extended only until 31 October 2018, pending the receipt of expected contributions to cover requirements for the remainder of the year. The proposed budget for 2019 assumes the continued operation of the Court and provides for end-of-service payments due to staff and international judges who are expected to separate during 2019, to the extent that full funding is made available.

44. Should full funding not be available in 2019, the extension of contracts/appointments for continuing staff, judges and the prosecutor would not be possible. Existing contracts/appointments would be allowed to expire according to their terms and conditions, which would mean that additional liabilities would not be provided for in the proposed 2019 budget. These liabilities include entitlements and benefits payable upon separation, such as repatriation travel and shipment or relocation grant for judges and staff, and termination indemnity and commutation of unused annual leave for international and locally recruited staff. For the international component, these are currently estimated at $1,838,200 ($505,300 for judges and the prosecutor and $1,332,900 for staff members). This amount does not include any costs required for the proper and orderly closure of operations, should the need arise.

45. As indicated above, the operational reserve was depleted in 2012 to meet payroll expenses at that time owing to shortfalls in voluntary contributions. The terms of the use of the subvention have not allowed the rebuilding of any reserves to meet end-of-service liabilities. For this reason, the Secretary-General requests that the General Assembly allow the full drawdown of the subventions and the retention of the unutilized portion of the voluntary contributions received, if any, for the international component for the purpose of rebuilding an operational reserve for the Extraordinary Chambers.

## VII. Conclusions

46. The Secretary-General welcomes the important progress made by the Extraordinary Chambers across all sets of current proceedings in the year since the issuance of his previous report. In this context, and bearing in mind the essential mandate of the Chambers, the Secretary-General notes the continuing importance of conducting all judicial proceedings before the Chambers in a manner that conforms to the terms of the Agreement between the United Nations and the Royal Government of Cambodia concerning the Extraordinary Chambers.

47. Following the judgments in cases 001 and 002/01, the landmark trial in case 002/02 has made substantial progress and the trial judgment is expected in the last quarter of 2018. Judicial investigations in cases 003 and 004 have reached key milestones with the disposal by the Pre-Trial Chamber of the co-prosecutor's appeal against the closing order in the case against Im Chaem in case 004/01, the closing of those judicial proceedings as well as the closing orders expected by the end of 2018 in cases 003 and 004/02, and final submissions by the co-prosecutors in case 004.

48. The Secretary-General commends the judicial officials and staff of both components of the Extraordinary Chambers for their sustained commitment and dedication in fulfilling the challenging but essential mandate of the Chambers.

49. The Secretary-General welcomes the provision of the majority of the funding of the national component by the Government of Cambodia in 2015, 2016, 2017 and 2018 and acknowledges the commitment to the success of the Extraordinary Chambers shown by the Government. At the same time, the Secretary-General is concerned that the Chambers face persisting financial challenges, and that voluntary funds raised from Governments have continued to fall short of overall budgetary needs during the past four years. It remains clear that the current funding mechanisms of the Chambers are not sustainable without additional assistance over the long term. The Secretary-General also notes the need to develop a framework for the completion of the work of the Chambers and for the performance of any necessary residual functions, and intends to undertake consultations in this regard.

50. It remains critical that the international community ensure that the Extraordinary Chambers have the necessary financial means to ensure full accountability, within the scope of their mandate, for the crimes perpetrated during the former Khmer Rouge regime. A financial failure of the Chambers would constitute a renewed tragedy in the quest for justice of the people of Cambodia, who have waited four decades for these efforts to reach belated fruition, and would constitute a serious setback to the international community's fight against impunity.

## VIII. Recommendations

51. The Secretary-General requests the General Assembly:

(a) To take note of the present report and the use of the commitment authority approved for 2018;

(b) To take note of the resource requirements of the Extraordinary Chambers for the period from 1 January to 31 December 2019, estimated at $16,014,100 for the international component of the Chambers to continue to fulfil its judicial mandate;

**(c) To appropriate an amount of $9,746,200 by way of subvention for 2019 for the international component of the Extraordinary Chambers under the proposed programme budget for the biennium 2018–2019;**

**(d) To approve the full drawdown of the commitment authority and allow the retention of the unutilized portion of voluntary contributions, if any, at the end of each fiscal year, starting in 2018, to rebuild the operational reserve of the Extraordinary Chambers.**

# Annex I

## Summary of follow-up action taken to implement relevant recommendations

| *Brief description of the recommendation* | *Action taken or to be taken to implement the recommendation* |
|---|---|
| **Report of the Advisory Committee on Administrative and Budgetary Questions** (A/72/7/Add.7) | |
| The Advisory Committee stresses the need to take all necessary measures to expedite case completion, including for more effective planning to meet the completion milestones, while fully respecting the judicial process (see also A/71/550, para. 10). The Committee notes the progress made in the current judicial proceedings and stresses again the importance of the regular updates to the comprehensive completion plan. Once again, the Committee notes that the revised plan now foresees judicial activity for several years beyond the current financial period and notes with concern the potential financial implications of the timeline (para. 12). | The Extraordinary Chambers are taking all available measures to expedite the completion of their mandate and manage available resources diligently to ensure cost-efficiency, while respecting the independent nature of the judicial process and adhering to all statutory requirements. In addition to the statutory framework, the work of the Chambers is directed by the substantive developments in the cases before them, which are often initiated by legally independent parties to the cases.<br><br>The projection of a timeline is based on information available to the Chambers at a given time, what the known workload is and how it is to progress going forward. The projection will need adjustments when the work progresses in a manner different from that first stipulated, often owing to deviating requirements subsequently presented by the parties in the case. The projected timelines are adjusted if and when available information changes. Committed to efficiency and transparency in their projections, the Chambers assess their work progress quarterly and adjust the projections as required by the substantive developments in the respective cases. These revised projections are subsequently reflected in the quarterly updates of the completion plan of the Chambers.<br><br>Since the issuance of the previous report of the Secretary-General, the Extraordinary Chambers have made substantive progress in all cases. Appeals against the closing order in case 004/01 were disposed of by the Pre-Trial Chamber in June 2018 by upholding a decision of the co-investigating judges to dismiss the charges in the case and thereby ending all related judicial proceedings. The trial judgment in case 002/02 is expected in the last quarter of the year, while closing orders in cases under investigation, styled as cases 004/02, 003 and 004, are expected in the third quarter and fourth quarter of 2018 and the second quarter of 2019, respectively. Refer to section III ("Completion plan and road map: projected timelines") of the main report for a more detailed description of the timelines. |
| The Advisory Committee recommends that the General Assembly request the Secretary-General to discontinue as soon as possible the current practice of providing the international judges with a net remuneration in the amount of a gross remuneration (para. 17). | The Office of Human Resources Management has finalized the proposed revisions to the compensation and other terms and conditions of the appointments of the international judges and prosecutor which will address this recommendation. |

| *Brief description of the recommendation* | *Action taken or to be taken to implement the recommendation* |
|---|---|
| | The revised terms and conditions will be shared with the international judges and prosecutor for their comments before they are submitted to the group of interested States for approval.<br><br>Under the current framework, a change to the remuneration levels of the international judges and prosecutor would have been due on 1 January 2018. No changes have been implemented pending the approval of the revised terms and conditions of their service. |
| While welcoming the cost-saving measures taken by the Extraordinary Chambers, the Advisory Committee considers that the posts that are not required for the completion of the Extraordinary Chambers mandate should be abolished (para. 20). | Taking into account that the voluntary contributions pledged and received were not sufficient to meet the budgetary requirements, measures were put in place to avoid or defer the incurring of costs for the international component in 2018, including imposing a recruitment freeze against vacant posts unless they have a direct impact on the judicial process and strictly curtailing expenses in such areas as travel, operating costs and contractual services.<br><br>This recruitment freeze is, however, the result of the financial situation of the Extraordinary Chambers rather than an indication that certain positions are no longer needed. Nevertheless, it should be noted that 27 positions under the international component that are no longer required for the completion of the mandate of the Chambers have been abolished in 2018. A further 16 positions are proposed for abolishment in the 2019 budget. |
| The Advisory Committee notes the commitments made by the Government of Cambodia to meeting the terms of its Agreement with the United Nations. The Committee trusts that the Secretary-General will continue to actively engage with the relevant authorities of the Government to ensure that the obligations arising from the terms of the Agreement are met (para. 22). | In keeping with prior practice, the Secretary-General intends to write to the Government of Cambodia seeking the support of the Government for both the subvention for 2019 and the funding of the national component of the Extraordinary Chambers in 2019. |
| In view of the persistent funding challenges faced by the Extraordinary Chambers, the Advisory Committee trusts that the intensified fundraising efforts of the Secretary-General will yield results, including by broadening the donor base for the Chambers, so that their work can be brought to a successful conclusion (para. 27). | Refer to paragraph 28 of the main report for a detailed description of the fundraising efforts undertaken in 2018. |
| The Advisory Committee encourages the Extraordinary Chambers to exercise restraint and to use external contractors and consultants judiciously without prejudice to the requisite caseload requirements for translation, transcription and interpretation. The Committee expects that the Chambers will undertake | The Extraordinary Chambers made all efforts to exercise budgetary discipline and identify operational efficiencies. A freeze was imposed on all vacant positions except for the ones deemed critical to directly supporting the judicial process. In the revised budget for 2019, all seven in-house translator positions are proposed for abolishment and the translation work is to |

| *Brief description of the recommendation* | *Action taken or to be taken to implement the recommendation* |
|---|---|
| all efforts to exercise budgetary discipline and identify operational efficiencies in this regard (para. 29). | be outsourced to individual or institutional contractors. The contractors will be engaged if and when required for translation, transcription or interpretation, and will be paid on the basis of output delivery, as opposed to time spent on the job. This is expected to achieve operational efficiencies by eliminating costs during off-peak workload periods. |
| The Advisory Committee notes that the requirement for furniture and equipment amounted to $210,400 in 2017. Considering that the staff complement of the Extraordinary Chambers would be reduced by 27 posts from 2017 to 2018, the Committee is of the view that the requirement for furniture and equipment in 2018 should be adjusted to the level of 2017 (para. 31). | Following the approval of the 2018–2019 budget by the group of interested States, the 2018 budgetary requirement for furniture and equipment was reduced to $210,400, as recommended by the Advisory Committee. It is expected to be further reduced to $180,100 in line with the revised 2018 requirements, subject to approval by the group of interested States. |
| The Advisory Committee again notes that, after five consecutive requests since 2013 for subventions to support the international component of the Extraordinary Chambers, the practice is in fact no longer exceptional in nature. Nevertheless, the Committee considers that voluntary contributions should remain the major source of funding for the Chambers and that continued reliance on the subvention should be avoided (para. 34). | Despite the combined efforts of the principal donors group, the Secretariat and the Special Expert, voluntary contributions for the international component continued to decline, from $17.6 million in 2015 to $13.1 million in 2016 and to $9.5 million in 2017, with an anticipated slight increase to $9.7 million in 2018. In recent years, voluntary contributions have continuously fallen short of meeting the budgetary requirements of the international component of the Extraordinary Chambers without the support of the regular budget subvention.<br><br>While the intensive fundraising efforts continued in 2018, in view of the trend referred to above and indications from the current donors, the level of voluntary contributions is anticipated to decline further to about $6.3 million in 2019. |

# Annex II

## Financial status of the Extraordinary Chambers in the Courts of Cambodia

### International component: United Nations Assistance to the Khmer Rouge Trials

Table A.1
**Financial status of the international component as at 31 December 2017**

(Thousands of United States dollars)

| | |
|---|---|
| A. Income | |
| Contributions received from 2005 to 2017 | 207 704.2 |
| Interest earned from 2005 to 2017 and other adjustments | 4 956.9 |
| **Subtotal** | **212 661.1** |
| B. Expenditure[a] | (244 366.1) |
| **Fund balance (shortfall)[b]** | **(31 705.0)** |

[a] Figures include a grant of $3,255,000 in 2013 and loans of $780,000 in 2014 to the national component to cover salary costs. These costs are also reflected in the national component tables.
[b] The shortfall was covered by the regular budget subvention for 2015 ($10,678,400), 2016 ($10,407,700) and 2017 ($10,619,000).

Table A.2
**Financial status of the international component for 2018 and projection for 2019**

(Thousands of United States dollars)

| | |
|---|---|
| **A. Income for 2018** | |
| Contributions received for 2018 | 4 354.4 |
| Outstanding pledges for 2018[a] | 3 060.7 |
| Anticipated pledges for 2018 | 2 300.0 |
| **Subtotal** | **9 715.1** |
| **B. Revised budget for 2018[b]** | **(17 713.7)** |
| **C. Estimated shortfall for 2018** | **(7 998.6)** |
| **D. Income for 2019** | |
| Outstanding pledges for 2019[c] | 1 690.9 |
| Anticipated pledges for 2019 | 4 577.0 |
| **Subtotal** | **6 267.9** |
| **E. Estimated requirements for 2019[b]** | **(16 014.1)** |
| **F. Estimated shortfall for 2019** | **(9 746.2)** |

[a] European Union (€2,250,000 revalued as at 30 June 2018), Finland (€90,000 revalued as at 30 June 2018), Germany ((€50,000 revalued as at 30 June 2018) and United Kingdom of Great Britain and Northern Ireland (£225,000 revalued as at 30 June 2018).
[b] 2018–2019 revised budget figures are subject to review and approval by the group of interested States.
[c] Sweden (SKr 10,000,000 revalued as at 30 June 2018) and Germany (€500,000 revalued as at 30 June 2018).

## Indicative resource requirements for the United Nations Assistance to the Khmer Rouge Trials

Table A.3.1
**Requirements by component and funding availability, international component**

(Thousands of United States dollars)

| Component | Actual expenditure 2016 | Actual expenditure 2017 | Revised budget 2018 | Resource growth Amount | Resource growth Percentage | Revised budget 2019 | Total revised budget[a] 2018–2019 |
|---|---|---|---|---|---|---|---|
| A. Judicial offices | 8 267.5 | 6 815.6 | 6 371.7 | (911.1) | (14.3) | 5 460.6 | 11 832.3 |
| B. Defence and Victims Support Sections | 4 620.6 | 3 872.1 | 3 318.1 | 9.8 | 0.3 | 3 327.9 | 6 646.0 |
| C. Office of Administration | 10 660.8 | 9 405.4 | 8 023.9 | (1 713.9) | (21.4) | 6 310.0 | 14 333.9 |
| D. Provision for cases 003 and 004 | – | – | – | 915.6 | – | 915.6 | 915.6 |
| **Total expenditure** | **23 548.9** | **20 093.1** | **17 713.7** | **(1 699.6)** | **(9.6)** | **16 014.1** | **33 727.8** |
| Balance brought forward | – | – | – | – | – | – | – |
| Pledges and contributions | 13 141.2 | 9 474.1 | 9 715.1 | (3 447.2) | (35.5) | 6 267.9 | 15 983.0 |
| **Total income** | **13 141.2** | **9 474.1** | **9 715.1** | **(3 447.2)** | **(35.5)** | **6 267.9** | **15 983.0** |
| **Surplus/(shortfall)** | **(10 407.7)** | **(10 619.0)** | **(7 998.6)** | **(1 747.6)** | **21.8** | **(9 746.2)** | **(17 744.8)** |

[a] 2018–2019 revised budget figures are subject to review and approval by the group of interested States.

Table A.3.2
**Requirements by object of expenditure and funding availability, international component**

(Thousands of United States dollars)

| Object of expenditure | Actual expenditure 2016 | Actual expenditure 2017 | Revised budget 2018 | Resource growth Amount | Resource growth Percentage | Revised budget 2019 | Total revised budget[a] 2018–2019 |
|---|---|---|---|---|---|---|---|
| Posts | 14 126.7 | 12 437.1 | 9 953.8 | (1 389.3) | (14.0) | 8 564.5 | 18 518.3 |
| Non-staff compensation | 2 003.8 | 1 952.1 | 2 011.0 | (99.9) | (5.0) | 1 911.1 | 3 922.1 |
| Other staff costs | 100.4 | – | 202.5 | 558.7 | 275.9 | 761.2 | 963.7 |
| Consultants and experts | 5 497.6 | 4 682.5 | 3 910.0 | (610.9) | (15.6) | 3 299.1 | 7 209.1 |
| Travel of staff | 80.8 | 36.4 | 33.9 | 16.9 | 49.9 | 50.8 | 84.7 |
| Travel of witnesses | 48.3 | 5.6 | 1.2 | 28.3 | 2 358.3 | 29.5 | 30.7 |
| Contractual services | 802.0 | 412.8 | 1 059.0 | (240.0) | (22.7) | 819.0 | 1 878.0 |
| General operating expenses | 343.0 | 270.9 | 255.8 | (18.6) | (7.3) | 237.2 | 493.0 |
| Supplies | 203.2 | 94.1 | 106.4 | (6.3) | (5.9) | 100.1 | 206.5 |
| Furniture and equipment | 343.1 | 201.6 | 180.1 | 61.5 | 34.1 | 241.6 | 421.7 |
| **Total expenditure** | **23 548.9** | **20 093.1** | **17 713.7** | **(1 699.6)** | **(9.6)** | **16 014.1** | **33 727.8** |

| Object of expenditure | Actual expenditure 2016 | Actual expenditure 2017 | Revised budget 2018 | Resource growth Amount | Resource growth Percentage | Revised budget 2019 | Total revised budget[a] 2018–2019 |
|---|---|---|---|---|---|---|---|
| Balance brought forward | – | – | – | – | – | – | – |
| Pledges and contributions | 13 141.2 | 9 474.1 | 9 715.1 | (3 447.2) | (35.5) | 6 267.9 | 15 983.0 |
| **Total income** | **13 141.2** | **9 474.1** | **9 715.1** | **(3 447.2)** | **(35.5)** | **6 267.9** | **15 983.0** |
| **Surplus/(shortfall)** | **(10 407.7)** | **(10 619.0)** | **(7 998.6)** | **(1 747.6)** | **21.8** | **(9 746.2)** | **(17 744.8)** |

[a] 2018–2019 revised budget figures are subject to review and approval by the group of interested States.

## National component: Cambodia

Table A.4
**Financial status of the national component as at 31 December 2017**

(Thousands of United States dollars)

| | |
|---|---|
| A. Income | |
| Contributions received from 2005 to 2017 | 74 609.3 |
| B. Expenditure | (74 520.0) |
| **Fund balance** | **89.3** |

Table A.5
**Financial status of the national component for 2018 and the projection for 2019**

(Thousands of United States dollars)

| | |
|---|---|
| **A. Income for 2018** | |
| Cash balance brought forward as at 1 January 2018 | 89.3 |
| Contributions received for 2018 | 3 301.8 |
| Outstanding pledges for 2018[a] | 2 055.7 |
| Anticipated pledges for 2018 | – |
| **Subtotal** | **5 446.8** |
| **B. Revised budget for 2018** | **(5 697.8)** |
| **C. Estimated shortfall for 2018** | **(251.0)** |
| **D. Income for 2019** | |
| Outstanding pledges for 2019 | – |
| Anticipated pledges for 2019 | – |
| **Subtotal** | **–** |
| **E. Estimated requirements for 2019** | **5 374.2** |
| **F. Estimated shortfall for 2019** | **(5 374.2)** |

[a] €1,250,000 from the European Union (inclusive of United Nations Office for Project Services programme support costs) and $825,000 from the Government of Cambodia.

## Indicative resource requirements for the national component

Table A.6.1
**Requirements by component and funding availability**

(Thousands of United States dollars)

| Component | Actual expenditure 2016 | Actual expenditure 2017 | Revised budget 2018 | Resource growth Amount | Resource growth Percentage | Revised budget 2019 | Total revised budget[a] 2018–2019 |
|---|---|---|---|---|---|---|---|
| A. Judicial offices | 1 725.4 | 1 445.0 | 1 358.5 | (367.6) | (27.1) | 990.9 | 2 349.4 |
| B. Defence and Victims Support Sections | 459.8 | 325.3 | 329.0 | 2.3 | 0.7 | 331.3 | 660.3 |
| C. Office of Administration | 4 366.1 | 4 059.4 | 4 010.3 | (79.8) | (2.0) | 3 930.5 | 7 940.8 |
| D. Provision for cases 003 and 004 | – | – | – | 121.5 | – | 121.5 | 121.5 |
| **Total expenditure** | **6 551.3** | **5 829.7** | **5 697.8** | **(323.6)** | **(5.7)** | **5 374.2** | **11 072.0** |
| Balance brought forward | 85.0 | 38.7 | 89.3 | (89.3) | (100) | – | 89.3 |
| Pledges and contributions | 6 505.0 | 5 880.3 | 5 357.5 | (5 357.5) | (100) | – | 5 357.5 |
| **Total income** | **6 590.0** | **5 919.0** | **5 446.8** | **(5 446.8)** | **(100)** | **–** | **5 446.8** |
| **Surplus/(shortfall)** | **38.7** | **89.3** | **(251.0)** | **(5 123.2)** | **2 041.1** | **(5 374.2)** | **(5 625.2)** |

[a] 2018–2019 revised budget figures are subject to approval by the group of interested States.

Table A.6.2
**Post requirements**

| Category | Approved 2016 | Approved 2017 | Revised[a] 2018 | Revised[a] 2019 |
|---|---|---|---|---|
| **Professional and higher categories** | | | | |
| D-1 | 15 | 15 | 12 | 13 |
| P-5 | 1 | 1 | 1 | 1 |
| NPO-D | 22 | 22 | 20 | 19 |
| NPO-C | 17 | 16 | 16 | 11 |
| NPO-B/NPO-A | 19 | 19 | 16 | 16 |
| **Subtotal** | **74** | **73** | **65** | **60** |
| **Other levels** | | | | |
| Local level | 111 | 110 | 90 | 85 |
| **Subtotal** | **111** | **110** | **90** | **85** |
| **Total** | **185** | **183** | **155** | **145** |

*Abbreviation*: NPO, National Professional Officer (A, B, C and D reflect levels within the category).

[a] 2018–2019 revised budget figures are subject to approval by the group of interested States.

Table A.6.3
**Requirements by object of expenditure and funding availability**

| | *Actual expenditure* | | *Revised budget* | *Resource growth* | | *Revised budget* | *Total revised budget*[a] |
|---|---|---|---|---|---|---|---|
| *Object of expenditure* | *2016* | *2017* | *2018* | *Amount* | *Percentage* | *2019* | *2018–2019* |
| Posts | 3 253.8 | 3 002.7 | 2 942.9 | (238.8) | (8.1) | 2 704.1 | 5 647.0 |
| Non-staff compensation | 902.1 | 699.1 | 681.4 | (72.5) | (10.6) | 608.9 | 1 290.3 |
| Other staff costs | 314.7 | 217.2 | 201.1 | 21.5 | 10.7 | 222.6 | 423.7 |
| Consultants and experts | 141.7 | 107.2 | 107.2 | 34.5 | 32.2 | 141.7 | 248.9 |
| Travel of staff | 48.8 | 20.6 | 19.6 | 2.0 | 10.2 | 21.6 | 41.2 |
| Contractual services | 1 313.6 | 1 267.9 | 1 124.7 | (3.2) | (0.3) | 1 121.5 | 2 246.2 |
| General operating expenses | 442.3 | 397.1 | 444.9 | (21.9) | (4.9) | 423.0 | 867.9 |
| Hospitality | 26.6 | 34.4 | 27.2 | – | – | 27.2 | 54.4 |
| Premises alternation | 52.6 | 82.3 | 95.7 | (39.2) | (41.0) | 56.5 | 152.2 |
| Training and meeting | 55.1 | 1.2 | 53.1 | (6.0) | (11.3) | 47.1 | 100.2 |
| **Total expenditure** | **6 551.3** | **5 829.7** | **5 697.8** | **(323.6)** | **(5.7)** | **5 374.2** | **11 072.0** |
| Balance brought forward | 85.0 | 38.7 | 89.3 | (89.3) | (100) | – | 89.3 |
| Pledges and contributions | 6 505.0 | 5 880.3 | 5 357.5 | (5 357.5) | (100) | – | 5 357.5 |
| **Total income** | **6 590.0** | **5 919.0** | **5 446.8** | **(5 446.8)** | **(100)** | **–** | **5 446.8** |
| **Surplus/(shortfall)** | **38.7** | **89.3** | **(251.0)** | **(5 123.2)** | **2 041.1** | **(5 374.2)** | **(5 625.2)** |

[a] 2018–2019 revised budget figures are subject to approval by the group of interested States.